

REMARKS/ARGUMENTS

Claim Status

Claim 109 remains pending in this application. Claims 1-108 and 205-291 have previously been cancelled. Claims 110-204 have been previously withdrawn without prejudice to their patentability, and remain eligible for filing in a continuation or divisional application directed thereto.

Claim Amendment

Applicants have amended Claim 109 to include the limitation "the elastomeric structure having a deflectable membrane therein". Support for this amendment may be found throughout the specification, for example at page 5, lines 1-4. Accordingly, this amendment does not introduce new matter under 35 U.S.C. §132.

Information Disclosure Statement

The Examiner indicated that the collection of reference copies in the file wrapper is incomplete. Accordingly, in the near future, Applicants will contact the Examiner and arrange for hand delivery of the missing references.

Objections to the Drawings

Figure 38a, now Figure 38, has been re-captioned to omit the "A" from "38A". This amendment does not introduce any new matter under 35 U.S.C. §132. Accordingly, Applicants respectfully request the Examiner's objection to Figure 38.

Election/Restrictions

It appears that the Examiner has sua sponte withdrawn claims 110-204, stating that "[a]ccording to the Applicant, the only claim that reads upon each elected specie is claim 109." Applicants respectfully disagree with the Examiner's statement. However, in the interest of compact prosecution, yield to the withdrawal of claims 110-204 to simplify the Examiner's

efforts. Accordingly, Claim 109 remains in this application, and claims 110-204 have been withdrawn.

Double Patenting

The Examiner has provisionally rejected Claim 109 under 35 U.S.C. §101 as claiming the same invention as that of claim 1-12 of copending Application No. 09/796,378. Applicants have amended Claim 109 herein, and therefore believe the Examiner's rejection is now moot. Accordingly, Applicants respectfully request withdrawal of this provisional rejection.

Claim Rejections under 35 U.S.C. §102(b)

The Examiner has rejected Claim 109 under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,376,252 by Ekstrom et al. Applicants respectfully traverse this rejection because the Examiner has not made a proper rejection under 37 C.F.R. §1.104(c)(2) for failure to point out how the cited reference pertains to Applicants claimed invention. Moreover, the Examiner's rejection is now moot in view of Applicants amending Claim 109 to include the limitation "the elastomeric structure having a deflectable membrane therein", because Ekstrom does not disclose or fairly suggest an elastomeric structure having a deflectable membrane therein. Accordingly, Applicants respectfully request withdrawal of this rejection.

Applicants believe the pending claim is now in condition for allowance for the foregoing reasons. Accordingly, Applicants respectfully request a Notice of Allowance. If, in the Examiner's opinion, a telephone conference may be helpful, Applicants' counsel may be contacted at the number below.

Respectfully submitted,



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